

MANDATE

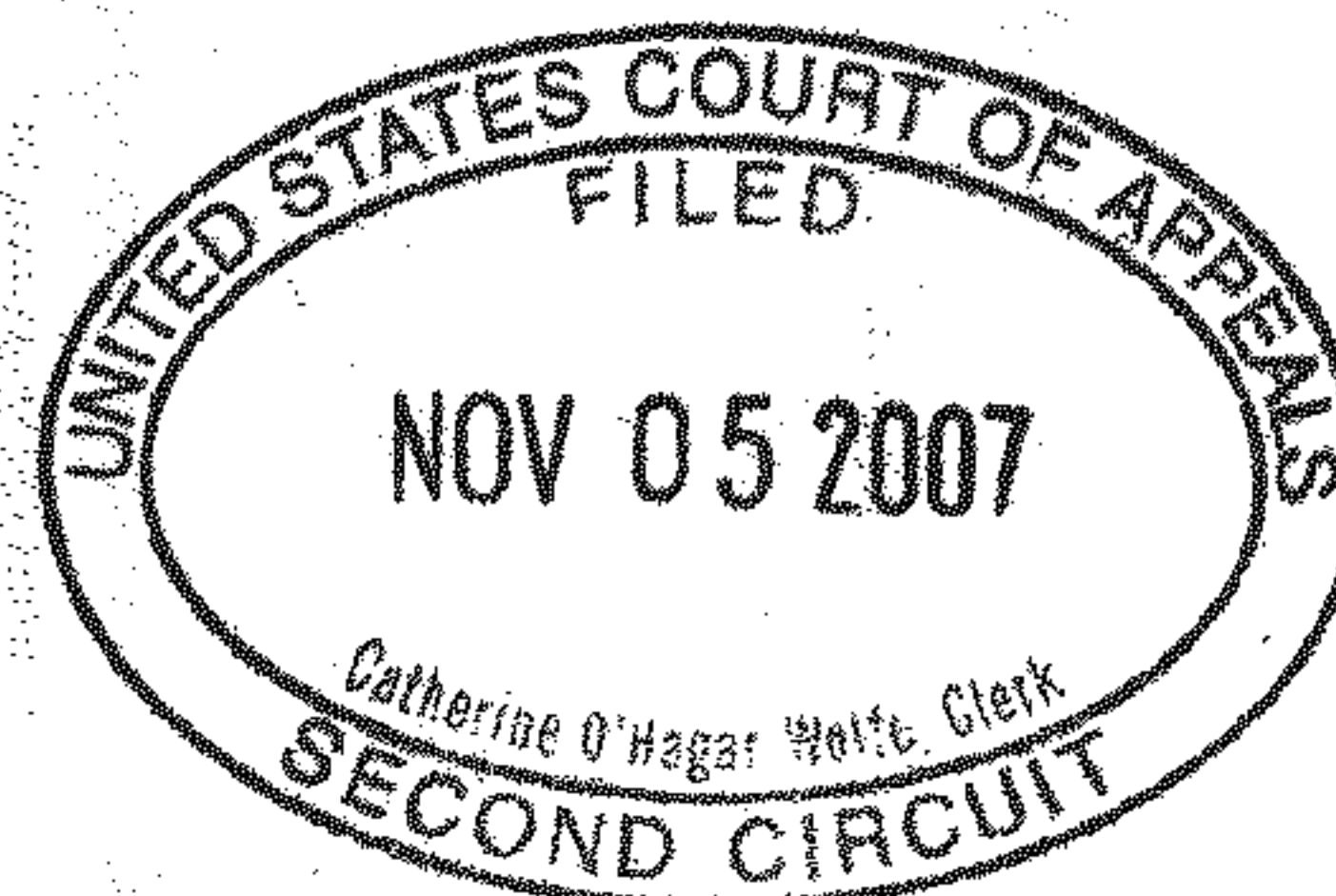
S.D.N.Y.  
07-cv-5767  
Wood, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5<sup>th</sup> day of November, two thousand seven,

Present:

Hon. John M. Walker, Jr.,  
Hon. Chester J. Straub,  
Hon. Peter W. Hall,  
*Circuit Judges.*



Rafael Davila, Isabel Davila, and Jesus Berrios,

*Petitioners-Appellants,*

v.

07-3179-cv

David A. Hansell and Robert Doar,<sup>1</sup>

*Respondents-Appellees,*

Appellants, *pro se*, move for *in forma pauperis* ("IFP") status and other relief. Upon due consideration, IFP status is hereby GRANTED to Rafael and Isabel Davila for the limited purpose of vacating the judgment of the district court as it relates to prospective relief against defendant Doar, and remanding to the district court to allow the Davilas to amend their complaint. *Gomez v. USA Fed. Sav. Bank*, 171 F.3d 794, 796 (2d Cir. 1999); *Victorian v. Miller*, 813 F.2d 718 (5th Cir. 1987). IFP status is DENIED to Jesus Berrios and his appeal is DISMISSED. Because this order ends the appeal, appellants' other motions before this Court are DENIED as moot. The clerk of the district court is directed to amend the case caption to reflect that appellant Berrios is a plaintiff, not a defendant.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: Lucille Carn

Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Commissioner Robert Doar is automatically substituted for former Commissioner Verna Eggleston.

SAO-PR

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Catherine O'Hagan Wolfe, Clerk

DEPUTY CLERK

Mandate: 12/12/07